

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**SHANNON CAMPBELL,**

**Plaintiff,**

**vs.**

**MICHAEL LOPEZ.**

**Defendant.**

**COMPLAINT  
(JURY TRIAL DEMANDED)**

**NOW COMES**, Plaintiff, complaining of Defendant, and alleges as follows:

1. Plaintiff is a citizen of the State of California.
2. Defendant Michael Lopez is a resident of the State of North Carolina.
3. The District Court may exercise jurisdiction over this lawsuit because the amount in controversy exceeds \$75,000 and the parties are citizens of different states. 28 U.S.C. §1332.
4. The acts giving rise to this Complaint occurred in Macon County, NC.
5. Venue is proper in the Asheville Division of the Western District of North Carolina. 28 U.S.C. §1391(b)(2).

**Factual Background**

6. On or about June 16, 2022, Plaintiff was working for Qualla Enterprises when he was injured by a forklift that fell off a bobcat onto his foot.
7. Defendant Lopez was working for Qualla Enterprises as an independent contractor at all times relevant to the lawsuit.
8. Defendant Lopez had previously attached the forklift to the bobcat before it fell on Plaintiff's foot.

9. Defendant failed to insure the forklift was attached and secured to the bobcat before attempting to place it into operation.

10. Defendant asked Plaintiff for his assistance to adjust the width of the forklift.

11. Plaintiff began adjusting the forklift in Defendant's presence.

12. Plaintiff did not know that Defendant had failed to verify the forklift was secured to the bobcat.

13. The forklift consequently fell off the bobcat as Plaintiff was adjusting the forklift.

14. The forklift crushed Plaintiff's foot.

### **Claim for Negligence**

15. Plaintiff realleges and incorporates paragraphs 1-14 in support of this claim.

16. Defendant was negligent, that is he failed to act as a reasonably prudent person under the circumstances, in the following particulars:

- a. Failing to inspect the forks
- b. Failing to properly secure the forklift
- c. Failing to test the security of the forklift prior to allowing Plaintiff to attempt to adjust the forklift
- d. In other ways to be identified through the discovery process.

17. Defendant's foregoing breaches of his duties proximately caused damages to Plaintiff in an amount exceeding \$75,000.

18. Plaintiff's damages include expenses for medical bills (past and future), pain and suffering (past and future), lost wages, lost earning capacity, physical impairment, physical disfigurement and permanent injury.

WHEREFORE, Plaintiff prays that:

1. He have and recover compensatory damages from Defendant, including but not limited to, medical expenses (past and future), pain and suffering (past and future), lost wages, lost earning capacity, disfigurement and physical impairment (past and future) and permanent injury.

2. The costs of this action be taxed to Defendant;
3. He have a trial by jury on all issues so triable; and
4. He have such other and further relief as to the Court may deem just and proper.

This the 23<sup>rd</sup> day of May, 2024.

s/Brett Dressler (N.C. Bar #34516)  
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